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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,365	02/20/2004	Richard Carey	STNL 2656001	2391
21909 CARR LLP 670 FOUNDERS SQUARE 900 JACKSON STREET DALLAS, TX 75202	7590 02/18/2009		<div>EXAMINER</div> <div>PHAN, THAI Q</div>	
			<div>ART UNIT</div> <div>2128</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>02/18/2009</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/783,365

Applicant(s)

CAREY, RICHARD

Examiner

Thai Phan

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to patent application S/N: 10/783,365, filed on February 20, 2004. Claims 1- 24 are pending in the Action.

Drawings

The Drawing filed on 02/20/2004 is acceptable for consideration.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al, US patent application publication no. 2005/0212797.

As per claims 1 and 12, Lee anticipates a method and computer program means for designing custom, primarily decorative stonework, comprising:

selecting at least one unit of a plurality of units ([0003] and [004]), wherein each unit of the plurality of units at least corresponds to an architectural feature, and wherein the at least one unit comprises a plurality of parts;

selecting at least a primary view of the unit, wherein the primary view depicts an overall view of the at least one unit selecting at least one profile of a plurality of profiles, wherein each profile of a plurality of profiles corresponds to at least a cross-sectional view of the at least one unit ([0060], [0070]);

inputting at least one dimension of a plurality of dimensions, wherein the at least one dimension corresponds to at least a physical dimension of the at least one unit;

parametrically calculating one or more other dimensions of the unit based upon the input of at least one dimension and unit size ([0037], [0047], and [0050]),

and further at least determining relative sizes of the plurality of parts of the at least one unit based upon said input dimension; and generating at least one scaled drawing, wherein the scaled drawing at least has numbers that corresponds to at least one dimension of the plurality of parts, of the at least one unit ([0033]).

As per claim 2, Lee anticipates the method of claim 1, wherein the step of selecting the at least one unit of the plurality of units further comprises selecting from a database organized by parts, units, and profiles ([0058] and [0060], for part characteristics or profile).

As per claim 3, Lee anticipates the method of claim 1, wherein the step of selecting the at least one unit of the plurality of units further comprises selecting the at least one unit from a database wherein each part of the plurality of parts that comprise each unit of the plurality of units is at least referenced by a part identifier.

As per claim 4, Lee discloses the method of claim 1, wherein the step of generating the scaled drawing further comprises generating a scaled drawing that is at least configured to be a Computer Aided Design (CAD) drawings.

As per claim 5, Lee anticipates the method of claim 4, wherein the step of generating at least one scaled drawing further comprises:

- accessing a computer database that is at least stored in a computer memory;
- retrieving a plurality of part identifiers of the plurality of parts that comprise the at least one unit; retrieving CAD drawings for each of the plurality of part identifiers; rescaling the CAD drawings for each part of the plurality of parts that comprise the at least one unit ([0078] and [0086]);
- rendering the CAD drawings; and plotting or printing the CAD drawings.

As per claim 6, Lee anticipates method for electronically custom designing primarily molding for decorative stonework ([0109]), comprising:

- selecting at least one unit from a plurality of units from a computer database stored in a computer memory, wherein the plurality of units are organized such that a plurality of parts that comprise each unit is logically associated to each of the respective units; selecting at least one profile of a plurality of characteristics (profile) ([0029] and [0038]), wherein each one profile of the plurality of profiles corresponds to at least a primary cross-sectional view of the at least one unit ([0060] and [0070]);

- entering physical dimension data of the at least one unit into a computer that is at least coupled to the computer memory, wherein the physical dimension data is at least configured to be unit-specific dimensional measurements;

calculating the physical dimensions of each of the parts comprising the at least one unit, wherein a plurality of parametric equations are at least employed and wherein the plurality of parametric equations are at least configured to utilize summing means and squaring means; accessing the computer database that is at least stored in a computer memory; retrieving a plurality of part identifiers of the plurality of parts that comprise the at least one unit;

retrieving CAD drawings for each of the plurality of part identifiers;

rescaling the CAD drawings for each part of the plurality of parts that comprise the at least one unit;

rendering the CAD drawing; and plotting or printing the CAD drawings.

As per claim 7, Lee anticipates a computer program product for designing custom, primarily decorative stonework, the computer program product having a medium with a computer program embodied thereon, the computer program

comprising:

computer program code for selecting at least one unit of a plurality of unit wherein each unit of the plurality of units at least corresponds to an architectural feature, and wherein the at least one unit of the plurality of units comprises a plurality of parts; computer program code for selecting at least a primary view, wherein the primary view depicts an overall view of the at least one unit;

computer program code for selecting at least one profile of a plurality of profiles, wherein each profile of the plurality of profiles corresponds to at least a primary cross-sectional view of the at least one unit; computer program code for inputting at least one

dimension of a plurality of dimensions, wherein the at least one dimension is at least a physical dimension of the at least one unit;

computer program code for parametrically calculating one or more other dimensions of the unit based upon the input of at the least one dimension, and further at least determining relative sizes of the plurality of parts of the at least one unit based upon said input dimension; and computer program code for generating at least one scaled drawing, wherein the scaled drawing at least has identifiers that correspond to the plurality of parts of the at least one unit.

As per claim 8, Lee anticipates the computer program product of claim 7, wherein the computer program code for selecting the at least one unit of the plurality of units further comprises computer program code for selecting from a database organized by part, units, and profiles.

As per claim 9, Lee discloses the computer program product of claim 7, wherein the computer program code for selecting the at least one unit of the plurality of units further comprises computer program code for selecting the at least one unit from a database wherein each part of the plurality of parts that comprise each unit of the plurality of units is at least referenced by a part identifier ([0016] and [0082]).

As per claim 10, Lee anticipates means for drawing a scaled version of the part design.

As per claim 11, Lee anticipates computer means for accessing the drawing database for drawing, part retrieval, scaling the drawing, etc.

Similarly, claims 13-24 are directed to computer program code means and system for performing steps as in the method claims 1-11 above, claims 13-24 are also rejected in like manner.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 4,417,564, issued to Lawrence et al, on November 1983
2. US patent no. 6,226,000, issued to Richens et al, on May 2001
3. US patent no, 6,664,972, issued to Eichel et al, on December 2003
4. US patent application publication no. 2003/0059558 issued to Nardi et al, on March 2003

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is 571-272-3783. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 10, 2009

/Thai Phan/
Primary Examiner, Art Unit 2128